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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/939,239

08/24/2001

Blair D. Walker

001/017 (1-3) USA

3291

24955

7590

01/07/2009

ROGITZ & ASSOCIATES
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SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

DESANTO, MATTHEW F

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09939239	8/24/01	WALKER ET AL.	001/017 (1-3) USA

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EXAMINER

MATTHEW F. DESANTO

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3763	20090105
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Commissioner for Patents

Supplemental Examiner's Answer

The examiner would like to comment on the reply brief, since the examiner disagrees on the interpretation of the claim language and the prior art. With regards to the claim language the examiner interprets the prior art as being capable of being used in the central veins, which allows the examiner to use the prior art in the rejection. The examiner also cites MPEP section 2105, IV which states the analogy in the mechanical art, and thus the catheters of the prior art could be capable of being used in a central vein, thus reading on that claim limitation. With regards to the added structure of the salt being inherently disposed on the catheter, but never claimed the examiner still feels that the applicant is reading limitations from the specification on the claim, and thus maintains his rejection. The examiner would like to cite MPEP section 2111.01 Plain Meaning, paragraph I, which states that limitations from the specification are only read into the claim of issued patents not during examination, which limitations are given the broadest reasonable interpretation, which the examiner has discussed in previous rejections and examiner answers. With regards to claim 8, the examiner uses this mode of claim interpretation with regards to injection caps, which the examiner interprets a structurally element that closes off or caps the proximal portion. Therefore the examiner feels that the prior art shows this and maintains the rejections. With regards to claim 27, the examiner fails to see the difference in 6cm of the prior art and 60mm of the claim, since 6cm=60mm. With regards to claim 30, the examiner interprets that the balloons can be deflated and have a slighter larger diameter then the catheter and can be inflated to have a larger size, therefore the balloons during the course of use will have the same diameter as claimed, since the claims never recite if the balloons are inflated to have the specific diameter or the balloons are deflated and have the specific diameter.

/Matthew F DeSanto/
Primary Examiner, Art Unit 3763

/DONALD HAJEC/
Director, Technology Center 3700

/Matthew F DeSanto/
Primary Examiner, Art Unit 3763

PTO-90C (Rev.04-03)